

## **BOARD OF APPEALS MINUTES**

**APRIL 9, 2002**

On Tuesday April 9, 2002, at 7:00 p.m. the Clarence Board of Appeals heard the following requests for variances:

APPEAL NO I  
Kenneth Stephan  
Agricultural

Requests the Board of Appeals approve and grant two variances:  
1. A six hundred fifty foot (650') variance creating a seven hundred fifty foot (750') front lot line setback for construction of a new home at 9800 Lapp Road.  
2. A five hundred fifty foot (550') variance creating a six hundred fifty foot (650') front lot line setback for construction of a new home at 9820 Lapp Road.

**APPEAL NO I is in variance to Article V, section 30-27 B, size of yards.**

APPEAL NO II  
Bob & Pat Riley  
Agricultural

Requests the Board of Appeals approve and grant a twelve foot (12') variance creating a one hundred twelve foot (112') front line setback for construction of a new home at 5165 Old Goodrich Road.

**APPEAL NO II is in variance to Article V, section 30-27 B, size of yards.**

APPEAL NO III  
Jeff Blum  
PURD

Requests the Board of Appeals approve and grant a twenty five foot (25') variance creating a seventy foot (70') front lot line setback for construction of a new home at 5038 Rockledge Drive. (Spaulding)

**APPEAL NO III is in variance to Article II, section 30-12 A, size of yards.**

APPEAL NO IV  
Bielmeier Builders  
PURD

Requests the Board of Appeals approve and grant a ten foot (10') variance creating a thirty five foot (35') front yard setback on Mallard Roost for construction of a new home at 5410 Via Del Sole.  
(Loch Lea Subdivision)

**APPEAL NO IV is in variance to Article I, section 30 -12 A, size of yards.**

APPEAL NO V  
Wayne & Bernice Clough  
Agricultural

Requests the Board of Appeals approve and grant a one hundred seventeen foot (117') variance creating a one hundred foot (100') front yard setback for the construction of a new home at 10758 Keller Road.

**APPEAL NO V is in variance to the previously established setback line of two hundred seventeen feet (217')**

APPEAL NO VI  
Richard Fabrizi  
Agricultural

Requests the Board of Appeals approve and grant a one hundred foot (100') variance creating a two hundred foot (200') front yard setback for the construction of a new home at 8155 Wolcott Road.

**APPEAL NO VI is in variance to Article V, section 30-27 B, size of yards.**

APPEAL NO VII  
Albert Schweitzer  
Residential B

Requests the Board of Appeals approve and grant a two foot (2') height variance creating an eight foot (8') height for a stockade fence at 8085 Greiner Rd.

**APPEAL NO VII is in variance to L.L. 101-3 A, regulations.**

ATTENDING:

John Brady  
Raymond Skaine  
Arthur Henning  
Ronald Newton  
Eric Heuser

INTERESTED PERSONS:

Ken Stephan  
Bob Riley  
Pat Riley  
Tim Geiger  
Jim Bielmeier  
Josephine Gambiina  
Peter Colafranceschi

Tootie Kaplan  
Wayne Clough  
Bernice Clough  
Rich Fabrizi  
Al Schweitzer  
Jeff Blum

Page 2002-22

APPEAL NO I  
Kenneth Stephan  
Agricultural

Requests the Board of Appeals approve and grant two variances:  
1) A six hundred fifty foot (650') variance creating a seven hundred fifty foot (750') front lot line setback for construction of a new home at 9800 Lapp Road.  
2) A five hundred fifty foot (550') variance creating a six hundred fifty foot (650') front lot line setback for construction of a new home at 9820 Lapp Road.

DISCUSSION:

Mr. Stephan said he would like to locate his home behind the Brine Line that runs through their property. In the event they would ever have to dig up the line, Mr & Mrs Stephan would rather have the line in their front yard than in the rear yard. It would be the same reason for the other

house being built for Jim Barron. Beeman Park is to the side of them and there will never be anything built there. There is one other house and the owner Kevin Gallagher doesn't have a problem with the variance request. One house is farther back than the other due to the angle of the Brine Line. Mr. Stephan is the contractor for both of their homes. Ron Newton said generally he would not be in favor of going back this far, however, due to the Brine Line he is willing to go along with the request. Ray Skaine agreed with Mr. Newton. Eric Heuser asked about the driveways. The future driveway looks like it parallels the neighbors property, and you also show a future driveway that goes back to a large building. Mr. Stephan said that will be a horse barn someday for the Barrons. Mr Barron and his wife want horses someday. Eric said it looks like it boxes in the neighbors (Gallagher's) property. Mr. Stephan said Gallagher's property goes back 900 some feet, and it will be well behind the pond that he just dug back there. The pond is in front of the Brine Line. Mr. Barron is going to use Mr. Stephans driveway for the construction of his home. Chairman Brady did not have anything to add or subtract. He asked for a motion.

Page 2002-23

ACTION:

Motion by Arthur Henning, seconded by Raymond Skaine to approve Appeal No I as presented. Mr. Skaine said he would like the minutes to reflect that he is approving this setback because of the unusual circumstances of the Brine Line.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO II  
Bob & Pat Riley  
Agricultural

Requests the Board of Appeals approve and grant a twelve foot (12') variance creating a one hundred twelve foot (112') front lot line setback for construction of a new home at 5165 Old Goodrich Road.

DISCUSSION:

The Riley's would like to center their new home on the lot, so they have a nice front yard as well as a nice backyard. The lot is 252 feet deep the house is about 30 feet deep. There are four lots for sale, the lots next to them has been sold. This setback would set the precedent for these four lots. The applicant was informed that he could come forward of the line, he just can't go farther back than 112 feet.

ACTION: Motion by Raymond Skaine, seconded by Ron Newton to approve Appeal No II as written.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO III  
Jeff Blum  
PURD

Requests the Board of Appeals approve and grant a twenty five foot (25') variance creating a seventy foot (70') front lot line setback for construction of a new home at 5038 Rockledge Drive. (Spaulding)

DISCUSSION:

Jeff Blum is the builder of the home for the Sicignano's. An agreement with the neighbors was reached at a meeting held prior to this meeting.

Mr. Brady read the following agreement to the Board: In consideration for Mr. Overs and Mr. Paddock not objecting to the proposed variance for 5038 Rockledge Drive, and if such variance is granted, then in such event the undersigned agrees to the following:

Page 2002-24

1. The undersigned will provide and maintain a retaining wall for the driveway that will run east/west and will not exceed four feet above the driveway elevation.
2. The undersigned will submit a plan to the Spaulding Lake Architectural Committee which will show the exact location and design of said retaining wall and will seek their approval prior to construction of it.
3. The undersigned will not have the driveway exceed 3 feet past the rear elevation of the garage.
4. Irrespective of the variance granted, the undersigned will position the house per the attached and initialed drawing. This was signed by Henry Sicignano III on April 9, 2002.

Mr. Blum explained that his clients purchased one and a half lots on Rockledge Drive to build their new home. They also purchased the property to the rear of their property on Goodrich Road.

There is a utility easement between the lots that they purchased on Rockledge. They would like to place their home, so it isn't on the easement. The next door neighbor of the property the Sicignano's purchased on Goodrich Road was present at the meeting. His name is Tim Geiger. They wanted to know why the Sicignano's bought the property on Goodrich. Mr. Blum said it was to insure their privacy. Tim Geiger said he would like first right of refusal

if the Sicignano's ever want to sell that property. Jeff Blum suggested that they contact the Sicignano's and talk to them directly about this matter. The Board did not have any additional questions regarding this request.

**ACTION:**

Motion by Raymond Skaine, seconded by Arthur Henning to approve Appeal No III as written

**ALL VOTING AYE. MOTION CARRIED.**

Page 2002-25

**APPEAL NO IV  
Bielmeier Builders  
PURD**

Requests the Board of Appeals approve and grant a ten foot (10') variance creating a thirty five foot (35') front yard setback on Mallard Roost for construction of a new home at 5410 Via Del Sole.

**DISCUSSION:**

Jim Bielmeier said that this corner lot comes back at a very severe angle on the side, which creates a very narrow point in the back. This house is a little over 2600 square feet, which is small for this neighborhood. There is only a small area of the house, that encroaches on the setback. However he tried placing it, part of the house didn't meet the setback. The lot meets all of the subdivision requirements, but it is not a standard shaped lot. This lot starts out wide, and then gets narrow. Mr. Bielmeier is the builder, not the owner. Mr. Newton said he doesn't have a problem as long as he keeps it in line with the homes on Via Del Sole. No one really had a problem, due to the shape of the lot.

**ACTION:**

Motion by Raymond Skaine, seconded by Ron Newton to approve Appeal No IV as written.

**ALL VOTING AYE. MOTION CARRIED.**

**APPEAL NO V  
Wayne & Bernice Clough  
Agricultural**

Requests the Board of Appeals approve and grant a one hundred seventeen foot (117') variance creating a one hundred foot (100') front yard setback for the construction of a new home at 10758 Keller Road.

**DISCUSSION:**

Mr. Clough said their property goes back 345 feet, and the pipeline also cuts through their lot. Ray Skaine said the house to the west that is going up right now is at about 80

feet. Ray suggested he may want to go back further than 100 feet. Ron Newton asked the applicant if he is aware that he is going to have a house in his backyard. The Board would prefer that the house was back further, but the pipe line does present a problem.

Page 2002-26

ACTION: Motion by Ray Skaine, seconded by Arthur Henning to approve Appeal No V as written. Ray Skaine said the reason being that the gas transmission pipeline cuts through the north east portion of the property necessitating the house to be moved

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO VI  
Richard Fabrizi  
Agricultural Requests the Board of Appeals approve and grant a one hundred foot (100') variance creating a two hundred foot (200') front yard setback for the construction of a new home at 8155 Wolcott Road.

DISCUSSION: The lot is 1300 feet deep, and he would like a bigger front yard for his children, and their safety. Ron Newton pointed out that the applicant will be infringing on the existing neighbor by taking his backyard privacy away. Ray Skaine agreed with Mr. Newton that it could be moved forward, even 25 or 50 feet. Mr. Fabrizi said he would come forward 25 feet to 175 feet. Mr. Heuser and Mr. Brady said they would agree with that.

ACTION: Motion by Ron Newton, seconded by Raymond Skaine to DENY Appeal No VI as written.

ALL VOTING AYE. MOTION CARRIED.

ACTION: Motion by Ron Newton, seconded by Raymond Skaine to approve Appeal No VI at a total setback of 175 feet. Mr. Fabrizi as stated in the discussion has agreed to a front lot line setback of 175 feet.

ALL VOTING AYE. MOTION CARRIED.

APPEAL NO VII  
Albert Schweitzer  
Residential B

Requests the Board of Appeals approve and grant a two foot (2') height variance creating an eight foot (8') height for a stockade fence at 8085 Greiner Road.

DISCUSSION:

Mr. Schweitzer said he would like to shield himself from the noise, lighting and garbage generated from BJ's loading dock. It is right behind his home. He would like the higher fence on all three sides of his yard to keep it uniform all the way around. Mr. Newton would be in favor of an eight foot fence in the rear of the property, but not on the sides of the yard. Mr. Brady agreed with Mr. Newton. Mr. Schweitzer said he could go along with that. However, he would like to taper the first six foot panel on either side of the eight foot fence to make a better transition from one height to the next height. The members of the Board felt this was a reasonable request.

ACTION:

Motion by Ronald Newton, seconded by Arthur Henning to DENY Appeal No VII as written.

ACTION:

Motion by Ronald Newton, seconded by Raymond Skaine to approve an eight foot fence on the southern portion of the lot line at 8085 Greiner Road. The first panels on the west and east sides will be tapered from eight feet to six feet to blend in the stockade fence.

ALL VOTING AYE. MOTION CARRIED.

MINUTES

Motion by Arthur Henning, seconded by Raymond Skaine to approve the minutes of the meeting held on March 12, 2002 as written.

ALL VOTING AYE. MOTION CARRIED.

Meeting adjourned at 8:30 p.m.  
John P. Brady, Chairman